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Chairman: Ms. Seanedzu (Vice-Chairman) ..... (Ghana)

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In the absence of the Chairman, Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 61: Indigenous issues (*continued*) (A/C.3/63/L.17)

Draft resolution A/C.3/63/L.17: Indigenous issues

1. **Ms. Taracena Secaira** (Guatemala), introducing the draft resolution on behalf of the sponsors, said that Bolivia, Brazil, Chile, the Dominican Republic, Ecuador, Honduras, Mexico, New Zealand, Nicaragua, Panama, Paraguay and Peru had become sponsors. Sixty years after the adoption of the Universal Declaration of Human Rights, indigenous peoples often still did not enjoy those rights. There was a need for further dialogue between the Committee and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, in order to allow the latter to inform the General Assembly of developments.

2. The first three preambular paragraphs of the draft resolution reflected Human Rights Council resolution 9/7 on human rights and indigenous peoples. It was important for the Council to enjoy the Committee's support. Several paragraphs had met with approval in the course of informal meetings. An additional operative paragraph had been added, reflecting paragraph 8 of Human Rights Council resolution 9/7. She hoped that the draft resolution would be adopted without a vote.

Agenda item 64: Promotion and protection of human rights (*continued*) (A/63/123, A/63/281-S/2008/431 and A/63/370-S/2008/614; A/C.3/63/5)

(a) Implementation of human rights instruments (*continued*) (A/C.3/63/L.18)

Draft resolution A/C.3/63/L.18: Torture and other cruel, inhuman or degrading treatment or punishment

3. **Ms. Raabyemagle** (Denmark), introducing the draft resolution on behalf of the sponsors, said that Bulgaria, Costa Rica, Ghana, San Marino and Slovakia had become sponsors. She said that substantial progress had been made on the text, and hoped that final agreement would be reached soon. Noting that freedom from torture and other cruel, inhuman or degrading treatment or punishment was a non-derogable right, she said that the draft resolution would constitute another instrument in the fight against such practices. She hoped that it would be adopted with strong support.

4. **Mr. Khane** (Secretary of the Committee) noted that the Republic of Moldova and Timor-Leste had joined the list of sponsors.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/63/161, 223, 259, 263, 270-272, 274, 275, 278, 286-290, 292, 293 and Corr.1, 299, 313, 318, 337, 340, 365, 367 and 486)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/63/322, 326, 332, 341, 356 and 459; A/C.3/63/4)

(d) Convention on the Rights of Persons with Disabilities (*continued*) (A/63/264 and Corr.1)

5. **Mr. Rezvani** (Islamic Republic of Iran) said that it was natural for different historical, regional, religious, cultural and national backgrounds to result in different understandings of human rights. It was neither practical nor feasible to require the same development model of all countries. Cultural diversity was an asset; it was important to shun policies of cultural hegemony and confrontation, which were aimed at eliminating cultural identities. In a globalizing world, modern communication technologies could be used for disinformation. An innovative international cooperation plan was needed in order to counter religious intolerance, including Islamophobia, which sought to demonize particular cultures and religions.

6. United Nations human rights mechanisms ought to constitute an impartial forum for all States to pool their knowledge. However, as a result of politicized draft resolutions on individual developing States, those mechanisms had in recent years been used for political and ideological wrangling. That situation called for dialogue and exchange on an equal basis.

7. International human rights cooperation should help further the right to development by enacting mechanisms to narrow the gap between rich and poor. Cultural rights as enshrined in the International Covenant on Economic, Social and Cultural Rights had similarly come to be comparatively neglected. In

particular, his country would continue to support the adoption of a General Assembly resolution on religious defamation. He welcomed the initiative of the Office of the High Commissioner for Human Rights to hold expert seminars on the issue of freedom of expression and the advocacy of religious hatred.

8. **Mr. Normandin** (Canada) said that on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights, the world owed its deepest gratitude to the drafters of their instrument, a landmark in the fulfilment of the shared aspirations of all Member States. Canada was particularly proud of the role of its citizen John Humphrey in producing the blueprint for the document. Mr. Humphrey had also helped advance human rights in his own country, recommending changes to promote women's rights and helping to found Amnesty International Canada.

9. Canada's International Centre for Human Rights and Democratic Development had established the John Humphrey Freedom Award to honour individuals and organizations from around the world that had distinguished themselves in the defence of human rights. In December 2008, the award would be presented to the organization Zimbabwe Lawyers for Human Rights, which had provided legal representation to victims of State-sponsored abuse and persecution, often in the face of violent repression. In 2007, it had been presented to the Iranian journalist and writer Akbar Ganji, who had been imprisoned for six years, often enduring solitary confinement and torture, after exposing his Government's role in a series of murders of political dissidents in 1998. Mr. Ganji continued to speak out against the deterioration of human rights in his country, including the execution of juveniles accused of crimes, repression of labour rights, oppression of women, discrimination against minorities and arbitrary arrest of dissidents. In 2006, the award had been presented to the activist Ms. Su Su Nway, a Burmese national who had since been arrested by the governing junta and placed in solitary confinement without adequate medical care for her heart condition.

10. Around the world there were thousands of such people. The international community had a responsibility to ensure that they were not isolated; to demonstrate its solidarity and appreciation for their efforts; and to allow them to carry out their noble work without personal risk. Thus, the full realization of the human rights embodied in the Universal Declaration would become a reality.

11. **Ms. Mat Isa** (Malaysia) said his country believed that all human rights were universal, indivisible and interrelated. At the domestic level, individual rights were balanced with the interests of the community and the well-being of the nation, in a spirit of mutual respect and tolerance.

12. The international community must treat human rights in a fair and equal manner. At the international level, the promotion and protection of human rights must be undertaken by all countries, taking full account of national and regional particularities and different historical, cultural and religious backgrounds. All States had the inalienable right to choose their own political, economic, social and cultural systems without interference by any other State. All too often, States sought to ensure that documents contained interpretations of a human right with reference to a specific issue, in order to gain credibility for their position. Some States continued to be selective in their emphasis of certain rights.

13. His delegation was acutely concerned at the increase in incidences of Islamophobia and incitement to racial and religious hatred. Defamation of religions was inextricably linked with such incitement, and therefore constituted a derogation of the right to belief. Religion could be protected from defamation without curtailing freedom of expression; the two were not mutually exclusive.

14. The previous session's debates on capital punishment had yielded no consensus, and such divisions should not be reintroduced into the Committee's work. For Malaysia, the issue was one of criminal justice. It was regrettable that the Secretary-General's report on moratoriums on the use of the death penalty (A/63/293 and Corr.1) made recommendations that leaned towards one side of the debate.

15. He welcomed the adoption of the universal periodic review by the Human Rights Council in 2008, which had thus far proceeded well and represented a good replacement for country-specific resolutions. He also valued the work of the Council's Working Group on the Right to Development. Malaysia firmly supported the rights of persons with disabilities, and had in April 2008 become a signatory to the Convention on the Rights of Persons with Disabilities.

16. **Mr. Liu** Zhenmin (China) noted that 2008 marked the sixtieth anniversary of the Universal

Declaration of Human Rights. The United Nations had made significant achievements in the field of human rights, including through the establishment of nine core human rights conventions, over 30 human rights special procedures and the Human Rights Council, as well as implementation of the universal periodic review. However, there was still room for improvement: the Human Rights Council was repeating some of the mistakes made by the Commission on Human Rights, especially with respect to country-specific situations.

17. Developing countries were still under-represented in the United Nations human rights bodies, including the Office of the High Commissioner for Human Rights and the special procedures. That Office and the United Nations recruitment system must eradicate institutional and non-institutional barriers and fully implement the principle of equitable geographic representation. Furthermore, the aspirations of the developing countries to the right to development had not been realized and much more work was also needed to achieve the Millennium Development Goals. To that end, the international community must demonstrate political will and provide assistance to the developing countries.

18. The action taken by his Government after the Wenchuan earthquake in 2008, as well as the successful organization of the Beijing Olympic Games and the Paralympic Games, showed China's commitment to human rights. Since 1978, China had engaged in a process of social, political and economic reform and had prioritized the promotion and protection of human rights. China would be reviewed by the Human Rights Council under the universal periodic review in February 2009 and looked forward to continuing its constructive dialogue with the Council and the international community.

19. **Mr. Labbé Villa** (Chile) said that the Convention on the Rights of Persons with Disabilities would serve as a model for future conventions. In addition to ratifying the Convention and its Optional Protocol, the Government had implemented an action plan for the social integration of persons with disabilities, and had created a national disability fund, to assist low-income persons with disabilities or non-profit agencies. In accordance with the Convention, Chile had carried out awareness-raising campaigns and had disseminated information. Chile welcomed the initiatives taken by the United Nations system to disseminate the landmark Convention. It believed that, with the determined effort of society as a whole, the Convention had the potential to bring about real change in the daily lives of thousands of persons with disabilities.

20. **Ms. Juul** (Norway) said that the Universal Declaration of Human Rights was a monumental achievement in the history of human rights. The Declaration, endorsed by 192 Member States, continued to serve as the basis for subsequent international human rights laws and treaties. The equal status, indivisibility and interdependence of all human rights had been affirmed repeatedly by the international community. It was therefore unacceptable that a vast majority of the world's population was unable to realize their rights or even recognize that it had rights. The aim of the Declaration was foremost a national responsibility. States were accountable both to their own people and to the international community. The absence of human rights caused the suffering and hatred that bred political violence and inhibited economic development.

21. Human rights defenders and civil society were essential actors in the efforts to implement a human rights framework and promote development. They shed light on situations that otherwise might pass unnoticed. They were not only part of the democratic process; their presence was in itself an indicator of democracy. It was particularly important to protect women defenders, who were more at risk from intimidation and violence, especially when working in the area of women's rights.

22. Norway was also deeply concerned about the increasing restrictions imposed by States on the freedom of association, opinion and expression, which were essential tools for human rights defenders and were also the prerequisite for the rule of law and the realization of other rights. Freedom of expression faced many challenges, including the increasing use of defamation laws and media censorship, anti-terrorist legislation and State security laws. Instead, it was essential to build constructive and peaceful dialogue that would help manage fundamental differences. Furthermore, in a globalized world, the coexistence of religions and the importance of values and tolerance had become crucial.

23. The international community must stand up against intolerance, exclusion of others, discrimination, prejudice and xenophobia. There could be no freedom

of religion without freedom of expression. Similarly, freedom of expression could not be exercised without the full implementation of all other human rights. Norway would continue to support efforts aimed at abolishing capital punishment and would continue to advocate the need to fight terrorism using measures that showed full respect for international law.

24. **Ms. Deo** (India) said that the report of the Special Rapporteur on the right to food (A/63/278) showed that the number of victims of hunger and malnutrition around the world was increasing at a steady pace. That situation had been exacerbated by the global economic, food and energy crises. There was therefore an urgent need for greater international cooperation to address those problems and establish a conducive environment for the realization of all human rights, including the right to development. His delegation supported the efforts of the Working Group on the Right to Development and the aim to mainstream its work into national, regional and international policies.

25. In order to achieve a global culture of human rights, the major challenge was to determine the most effective approach for promotion and protection of human rights. In particular, it seemed that the practice of singling out individual countries for criticism had not improved the human rights situation. Instead, an approach based on dialogue and cooperation had a better chance of leading to a genuine improvement in the enjoyment of human rights by the people of a country.

26. Racism, racial discrimination and xenophobia were the antithesis of all that humanity stood for; his country was at the forefront of efforts to fight racism. To that end, India would contribute to the preparations for the World Conference against Racism, to be held in Geneva in April 2009, and would work towards its successful outcome.

27. The entry into force of the Convention on the Rights of Persons with Disabilities was an important achievement. India had implemented a number of policies to promote the rights of persons with disabilities, though more needed to be done to secure the full enjoyment of their rights. As the world's largest democracy, India would continue to cherish the human rights of every citizen.

28. **Ms. Chan** Yu Ping (Singapore) said it was important to review the progress made since the adoption of the Universal Declaration of Human Rights. The United Nations had made a number of achievements, including development of the concept of the responsibility to protect. However, it had not been possible to reach a consensus on a group of core rights that were truly universal. In order to achieve that goal, it would be necessary to promote humane standards of behaviour without seeking to impose a particular political belief or societal arrangement on any country.

29. Universal recognition of the ideal of human rights could be harmful if that universalism was used to deny the reality of diversity and difference within the membership of the United Nations. It was essential to recognize the different ways in which Member States upheld human dignity and protected the rights of their people. However, there were two common preconditions for the full enjoyment of human rights: the right to development and the guarantee of social justice. Undoubtedly, economic growth was the necessary foundation of any political system.

30. Singapore placed equal importance on both individual and societal rights. While it reserved the right to uphold its own particular values, her country was also actively participating in efforts to establish a core set of values and the establishment of a human rights body by the Association of Southeast Asian Nations (ASEAN). ASEAN was working towards establishing respect and political commitment while accommodating the different interests of its members. Singapore was convinced that it was only through recognition of the rich diversity of the human community and the free interaction of ideas that an international consensus on human rights could be achieved.

31. **Ms. Shanidze** (Georgia) said that the Russian invasion and occupation of Georgia had resulted in ethnic cleansing in South Ossetia and adjacent areas as well as in Kodori Valley and Upper Abkhazia. There had been widespread looting, nearly 200,000 people had been displaced and ethnic Georgians in South Ossetia were being harassed. The Russian military, assisted by separatist militias, posed a threat to thousands of ethnic Georgians still in the occupied areas. That situation and the recognition of the separatist regimes by the Russian Federation made it impossible for displaced ethnic Georgians to return to their homes.

32. Russian and Ossetian troops had extended their activities to the so-called buffer zone inside Georgia.

The population of Akhalgori had been threatened with expulsion by Russian forces if they did not accept Russian citizenship. In the Gali district of Abkhazia, cut off from the rest of Georgia, more than 40,000 ethnic Georgians were being threatened with expulsion if they did not accept Russian passports. On 8-11 August Russian aircraft had bombed Gori, killing and injuring civilians. The blockade of the city by Russian forces had prevented Georgian medical services from assisting wounded soldiers and civilians. The total number of casualties in occupied territories was still unknown, particularly in formerly ethnic Georgian villages within the actual conflict zone.

33. The use of cluster munitions by Russian forces had been confirmed by Human Rights Watch and by the Government of the Netherlands investigation into the death of a Dutch cameraman in Gori. Much unexploded ordnance remained. Human Rights Watch and the Russian human rights group Memorial had reported that ethnic Georgian villages in South Ossetia had been looted and virtually destroyed. Another corner of Europe had been ethnically cleansed, yet Russian troops and their proxies had been re-branded as peacekeepers. She called on all Member States, including the permanent members of the Security Council, to ensure respect for the Universal Declaration of Human Rights.

34. **Mr. Vigny** (Switzerland) said that the end of the Second World War and the end of the Cold War had led to surges of optimism that better international relations would bring about a more peaceful world based on respect for human rights. The result had been two landmark events, the proclamation of the Universal Declaration of Human Rights and the outcome of the World Conference on Human Rights in Vienna, both of which reaffirmed the universality and interdependence of human rights.

35. The international community had created a solid normative architecture for human rights that had been progressively expanded and refined to extend protection to the most vulnerable groups. Special procedures and field missions supported human rights protection and worked to strengthen local capacities. A suitable balance must, however, be struck between the Human Rights Council and the General Assembly in order to ensure that the human rights system worked in the most efficient and credible manner possible. There continued to be serious obstacles to the full enjoyment of human rights in various regions of the world. States must therefore meet their obligations and fully implement human rights instruments.

36. Human rights education played an important role, and he therefore welcomed the draft declaration on human rights education and training currently being prepared by the Human Rights Council Advisory Committee under the leadership of the delegations of Switzerland and Morocco. He also welcomed the efforts of the Office of the High Commissioner for Human Rights to protect the rights of prisoners and detainees. Lastly, he announced his delegation's intention to convene a panel of eminent persons to draft a thematic human rights agenda for the coming decade. That agenda would be made public in Geneva in December 2008 and would then be submitted to the international community.

37. **Ms. 'Utoikamanu** (Tonga) thanked the Government of New Zealand for the assistance it had provided to her Government for the preparation of its national report under the universal periodic review of the Human Rights Council. Civil society, church leaders, the media and the private sector had been consulted prior to drafting the report. During consideration of the report, such issues as land rights for women and constitutional and political reform had been raised. She was pleased to announce that as a result her Government had taken steps to affirm women's right to hold family land.

38. She stressed that there was a direct link between human rights and climate change. Climate change could be aggravated by unsustainable development practices and affected many issues, including development, peace and security, and the needs of vulnerable groups. All the consequences of climate change must be addressed in order to protect the basic human rights of affected populations. She therefore welcomed the landmark resolution on human rights and climate change adopted by the Human Rights Council.

39. Her delegation was particularly concerned by the security implications of climate change, and she underscored the importance of the draft resolution on security and climate change (A/63/L.8) submitted recently to the plenary Assembly. She expressed concern at the possible effects of the global food and financial crises on vulnerable, small island countries and stressed that food was not merely a commodity for trade but a fundamental human right essential for the development of nations. A viable and fair solution to

address the issue of dependence on imports and volatile food prices must be found. In that context she welcomed the discussion organized by the Food and Agriculture Organization of the United Nations on the occasion of World Food Day.

40. Turning to the issue of financing for development, she underscored the direct link between trade and the basic right to development, and expressed concern at the interruption of the Doha-round talks of the World Trade Organization. They should be continued in order to ensure that the recent global crisis did not weaken the international commitment to ensuring adequate financing for a sustainable global economy.

41. **Archbishop Migliore** (Holy See) welcomed progress made toward the enjoyment of human rights but regretted that the most fundamental right, the right to life, continued to be violated. The adoption of General Assembly resolution 62/149 calling for a moratorium on the use of the death penalty was a welcome but still only partial step toward a society in which States ensured life was respected at all stages of development, with human rights and human dignity at the core of policy decisions.

42. He said that in the current era of economic interconnectedness there must be a consistently human-centred approach to development. Across the world, lack of access to health care, education, food and water continued to hinder development. The current global economic collapse would aggravate the situation of the most disadvantaged, whose numbers continued to grow. Their right to food would be affected by the food crisis if Government spending was diverted from social priorities to fixing the financial meltdown. He therefore welcomed the focus in the report of the independent expert on the question of human rights and extreme poverty (A/63/274) on addressing the plight of the almost billion people living in extreme poverty. He stressed that the realization of human rights and the elimination of extreme poverty were mutually reinforcing endeavours.

43. He welcomed the entry into force of the Convention on the Rights of Persons with Disabilities, implementation of which would ensure that the fundamental right to life would be respected for all persons with disabilities at every stage of life. That would promote greater respect for persons with disabilities and, more importantly, foster greater respect for all people, regardless of their physical or mental ability.

44. **Mr. Chabar** (Morocco) said that despite considerable progress, implementation of such goals as social and economic equality, literacy, development, freedom from hunger and disease, and poverty reduction remained incomplete. Globalization was not yet a positive influence for the promotion of human rights and access to education was not yet guaranteed worldwide. Excessive debt loads and clandestine immigration weighed heavily on efforts to promote human rights, particularly in the developing countries. He therefore welcomed the recommendations in the Secretary-General's report on protection of migrants (A/63/287), and urged Member States to ratify or accede to the International Convention on the Rights of All Migrant Workers and Members of Their Families.

45. His Government had incorporated a human rights perspective into public policies and sought to promote a human rights culture at all levels of society in a context of respect for the precepts of Islam. Its restructuring of the Advisory Council on Human Rights in 2001, based on the Principles relating to the status of national institutions (Paris Principles), had laid the groundwork for reform of penal legislation and implementation of a national strategy to combat impunity, under which to date 20,000 cases had been reviewed and $150 million awarded in compensation. His delegation looked forward to the early entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance.

46. The position of Ombudsman had been created, and the Code of Criminal Procedure had been amended to bring it into conformity with international norms in such areas as due process, fair trial, presumption of innocence, double jurisdiction in criminal matters and treatment of juveniles. The Special Court of Justice had been dissolved and its powers transferred to the ordinary justice system, making all citizens equal before the law and giving the ordinary courts jurisdiction in cases of corruption and fraud in the Administration. In 2006 his Government had adopted a law criminalizing torture. It had likewise withdrawn its reservation to the Convention against Torture and recognized the competence of the Committee against Torture to consider communications from individuals.

47. **Ms. Aitimova** (Kazakhstan) underscored her delegation's commitment to human rights and human

rights education. The Universal Declaration of Human Rights was the foundation for the Constitution of Kazakhstan and progress was being made toward full implementation of international instruments and reform of related domestic legislation. Kazakhstan had completed procedures for the entry into force of several major international human rights treaties, and was about to sign the Convention on the Rights of Persons with Disabilities.

48. In accordance with its international commitments in 2003, her Government had implemented a moratorium on the application of the death penalty and was considering its abolition. Women, minors under 18 and men over 65 could not be executed. In January 2008 her Government had recognized the competence of the Committee against Torture to receive individual communications.

49. Kazakhstan, which would assume the Chair of the Organization for Security and Cooperation in Europe in 2010, had launched a programme aimed at liberalization of the political system, democratization and legislative reform. The Constitution had been amended in 2007 to allow for State funding of public associations, including political parties. Legislation relating to elections, political parties and the media would likewise be amended. The programme encouraged exchange of lessons learned among Government bodies, for example in the judicial and criminal systems and provided for reform of legislation relating to public services, the administration and the judicial system.

50. Discrimination and disputes based on religion and belief were unacceptable in a globalized world. The Government had therefore instituted a balanced inter-faith policy in order to promote unity and social cohesion, thanks to which more than forty faiths co-existed peacefully in Kazakhstan. Her delegation was ready to share lessons learned in that area.

51. National and international implementation of human rights protections were mutually reinforcing. That made international cooperation between States, civil society and human rights stakeholders all the more important. The capacity of the United Nations and its agencies working in the field of human rights therefore needed to be strengthened in order to promote ever greater cooperation and continued progress.

52. **Mr. Pérez Alván** (Peru) said that his delegation welcomed the interim report of the independent expert on the question of human rights and extreme poverty (A/63/274) and agreed with her that eliminating extreme poverty was not a question of charity but an important and pressing human rights issue. His delegation appealed to States, the United Nations system and international financial institutions to strengthen cooperation and national capacities, especially in the developing countries. In their poverty-reduction programmes, States must observe the principles of equality, non-discrimination, participation and transparency, with particular attention to women, children, the disabled and indigenous groups.

53. His delegation would be happy to participate in the consultations of the High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights prepared by the Subcommission on the Promotion and Protection of Human Rights in 2006. He appealed to Member States and the relevant international actors to become involved in that effort.

54. **Mr. Davide** (Philippines) noted that the commemoration of the sixtieth anniversary was taking place against a backdrop of grave perils that hampered human rights efforts. Despite progress in developing a normative framework, there remained a gap between human rights standards and implementation and in mainstreaming a culture of human rights in laws, policies and programmes and in everyday life. What was needed was a culture of peace, justice and freedom.

55. Global crises as well as catastrophic upheavals caused by violence and oppression, including structural oppression that denied the poor their right to life itself, called for a firm commitment from all stakeholders, and especially States, to guarantee human rights for everyone.

56. In the recent past, his Government had put in place a series of institutional, operational and judicial actions to deal with the issue of politically motivated and extrajudicial killings. The Government was cooperating with the Special Rapporteur on extrajudicial, summary or arbitrary executions. In 2007, an inter-agency task force against political violence had been established with a specific mandate to investigate cases and prosecute perpetrators. In addition, the Supreme Court of the Philippines had designated special courts to try cases related to political violence and extrajudicial killings, and had

promulgated rules adopting the writ of *amparo* and the rule making available the writ of *habeas data* in the judicial system. As a result of the Government's efforts, and with the cooperation of civil society, the incidence of those reported killings had dropped drastically.

57. The Philippines' commitment to human rights remained paramount even in the midst of its efforts to secure peace in the country: the protection of human rights lay at the core of the peace processes being pursued with non-State groups. His Government had also reaffirmed the protection of human rights in all counter-terrorism measures. Its counter-terrorism strategy integrated security, law enforcement, development and human rights, in keeping with the United Nations Global Counter-Terrorism Strategy.

58. **Mr. Amil** (Pakistan) noted that, since the adoption of the Universal Declaration of Human Rights 60 years earlier, the world had come a long way in evolving an institutional and normative human rights framework. He observed, however, that many of the reports on country visits by special rapporteurs reflected a selective approach, as well as a lack of objectivity in the selection of the countries concerned. Ironically, most of them happened to be developing countries. To do justice to their mandates, which envisaged human rights that were universal, indivisible and interdependent, the special rapporteurs should visit countries in all parts of the world.

59. International human rights law needed to address emerging challenges; it must not remain frozen in time. Growing racial and religious discrimination and xenophobia threatened the multi-cultural fabric of many societies. Rights must be accompanied by responsibilities. The creeping defamation of religions in the name of freedom of expression must be condemned and a consensus was needed on how to tackle that phenomenon.

60. He said that the Constitution of Pakistan guaranteed equal rights of all citizens without any distinction, including women's right to participate in all spheres of life, as well as the rights and interests of minorities. The vision of the recently elected democratic Government in Pakistan was consistent with the aspiration of the Constitution and the desire of the people for a modern, moderate and democratic polity that would uphold all human rights and foster respect, especially for the rights of women, children and minorities.

61. Pakistan was a party to several human rights instruments. It had ratified the International Covenant on Economic, Social and Cultural Rights and had signed the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of Persons with Disabilities.

62. Pakistan had a separate Ministry of Human Rights which monitored human rights violations, with special reference to women, minorities and other vulnerable groups. A vibrant civil society was fostering a culture of accountability and transparency in policies on human rights. The federal Cabinet had recently approved a draft bill for the establishment of a national commission on human rights, in accordance with the Paris Principles.

63. Pakistan had been one of the first countries to undergo the universal periodic review of the Human Rights Council. The preparation for the review had acted as a catalyst for national dialogue on human rights within Government departments and with civil society. It had also helped to create more awareness about human rights.

64. While Pakistan had been negotiating its transition to democracy, former Prime Minister Benazir Bhutto had become the victim of a barbaric act of terrorism perpetrated by the forces of evil against the forces of democracy and moderation. Pakistan was determined to pursue her legacy of tolerance, respect and moderation.

65. **Ms. Tay** (Togo) congratulated the new High Commissioner for Human Rights on her appointment. She showed a determination to implant a world culture of human rights.

66. Over half a century after the adoption of the Universal Declaration of Human Rights, and despite numerous conventions and mechanisms, the situation of human rights around the world remained a serious concern.

67. In Togo, an office of the High Commissioner for Human Rights had been set up to help the Government educate the population on human rights issues. The office had participated in monitoring the legislative elections of 2007 and was helping the Government organize national consultations on the creation of a truth, justice and reconciliation commission. Togo had

implemented administrative reforms and modernized State institutions, including the courts. The Government had decided to begin financing political parties, and to grant subsidies to the press to promote freedom of expression and communication.

68. Her delegation wished to express its appreciation to the United Nations Democracy Fund, which had recently granted a subsidy to a non-governmental organization to enable it to implement a project designed to promote a culture of democracy.

69. **Ms. Dhital** (Nepal), welcoming the newly appointed High Commissioner for Human Rights, said that the United Nations had played an invaluable role in advancing the cause of human rights. Nepal remained concerned, however, at the continuing human rights violations around the world, despite the organization's rigorous mechanisms.

70. Nepal appreciated the role of the Human Rights Council and other mechanisms but considered that those bodies should work in concert and without bias. The special rapporteurs and representatives should exercise their mandates more objectively, without political finger-pointing at individual countries. The sixtieth anniversary would provide an important opportunity to reflect on the way forward in order to enhance human rights around the world.

71. Although the Council had made considerable progress, it should, in its periodic reviews, take note of socio-economic and political developments and diversity from region to region. It should also apply its principles and guidelines to all States objectively and uniformly. The Third Committee, for its part, should not engage in considering matters already dealt with by the Council.

72. Nepal had undergone unprecedented political transformation in recent years and had entered an era of new opportunities for the rights of all its people. The Constituent Assembly was one of the most inclusive assemblies in the world. For the first time, the elected representatives of the people were engaged in the process of writing a new constitution that embodied their aspirations. The Interim Constitution of Nepal (2007) provided for all the civil liberties and fundamental rights of citizens.

73. The Government of Nepal was determined to put an end to impunity and create an environment of human rights accountability. It was committed to resolving the issue of disappearances and was envisaging the establishment of a national truth and reconciliation council. The election of the Constituent Assembly, the declaration of Nepal as a federal democratic republic and the formation of a new coalition Government led by the Communist Party of Nepal (Maoist) had created a better environment for human rights.

74. The Government appreciated the role played by the Office of the High Commissioner for Human Rights in monitoring violations and helping the Government to protect human rights. The Government wanted to strengthen the National Human Rights Commission and had fully cooperated with United Nations human rights mechanisms. In 2008, it had invited the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to visit Nepal.

75. Nepal had regularly submitted its periodic reports to the human rights treaty bodies and had given due consideration of their recommendations. The Government was fully committed to protecting the life, liberty and property of its people through social inclusion, the rule of law, independence of the judiciary and elimination of discrimination. In that endeavour, it needed more technical assistance in strengthening the capability of national institutions, mainly the National Human Rights Commission.

Statements in exercise of the right of reply

76. **Mr. Saeed** (Sudan) said that, given that European countries had plundered developing countries and committed atrocities resulting in suffering which reverberated up to the present day, the European Union should be ashamed to establish itself as a guardian of human rights. No country could claim to be free of human rights problems. Immigrants in European countries were beaten, tortured and subjected to social exclusion, racism and discrimination, as demonstrated by events in the suburbs of Paris some two years earlier, which ran counter to human rights instruments. Nonetheless, the European Union acted as a source of wisdom on human rights. Giving lessons would lead to further political polarization. Dialogue was useful; confrontation was not. Telling developing countries what to do had gone out with colonialism.

77. The Sudan was shouldering its human rights responsibilities and had a good record of cooperation

in Darfur with the United Nations and the African Union. Qatar and other Arab States had taken the lead in facilitating dialogue between the Government of the Sudan and the rebels, and it was hoped that the peace process would be concluded soon. France's actions and words contradicted each other. By supporting the rebels, whom it had put up in five-star hotels, it was deepening the crisis. If it wished to play a positive role, it could push the rebels in Darfur to join the negotiations, rather than inciting them to reject peace.

78. The statement by New Zealand indicated ignorance of events on the ground in the Sudan. In giving advice to developing States, New Zealand was trying to emulate the great Powers, a difficult role. It would do better to attend to its own domestic affairs and not put its nose into others' business.

79. **Mr. Rezvani** (Islamic Republic of Iran) said that his delegation categorically rejected as false the allegations by France that his country had applied the death penalty to minors. His country had complied with the commitments arising from the major international human rights instruments to which it was party. Application of the death penalty was restricted to perpetrators of the most heinous crimes, and there was a moratorium on capital punishment by stoning.

80. Freedom of expression in his country was exemplary among developing nations, particularly those in the region, with an abundance of media outlets expressing a broad range of political viewpoints. The other claims by France were so baseless that they did not warrant a response.

81. If the European Union was truly concerned about human rights, the names of many of its own members should be mentioned in its statements on the subject. In France and the European Union as a whole, the rights of ethnic and religious minorities were flagrantly violated in the areas of employment, housing and education. In recent years, Islamophobia had become common in Europe, as had racist violence and the denial of immigrants' rights. According to recent human rights reports by United Nations bodies, torture, physical force and harassment were used against inmates in French prisons, and violence against women and discrimination against minority women in employment were common.

82. Canada had trampled the rights of its indigenous peoples. It had objected to the adoption of the Declaration on the Rights of Indigenous Peoples. Canada had a record of torture, application of the death penalty and deaths in custody. The case of a Polish migrant, Robert Dziekanski, who had been detained at the airport on his arrival in Canada in 2007 and had died after several days of interrogation, was still a recent memory.

83. **Mr. Strigelsky** (Belarus) said that his Government had taken significant steps to ensure the democratic and fair conduct of parliamentary elections the previous September. Political parties had been granted broader opportunities to work with the electoral commission. An unprecedented 1,000 electoral observers had come from abroad, and there had been 150 observers from local non-governmental organizations and political parties. All candidates, regardless of political affiliation, had been given the opportunity to speak on television at State expense. The individuals described as political prisoners in the interim report on the election results issued by the Office for Democratic Institutions and Human Rights of the Office for Security and Cooperation in Europe had, in fact, been incarcerated for criminal violations.

84. **Mr. Keegal** (Sri Lanka) said that his country had taken effective human rights measures in the face of the challenge of terrorism. Human rights issues were dealt with through national mechanisms and the Supreme Court. His country engaged closely with the special procedures of the Human Rights Council and, contrary to what the representative of France had said, the Government had invited several special rapporteurs and other special representatives and had shared with them information on human rights. The country had recently undergone a universal periodic review. It was therefore regrettable that comments had been made to the effect that the human rights situation there was deteriorating.

85. Regarding humanitarian matters, the Government had taken broad measures to assure the availability of food and other necessities to those affected by terrorist activities. Regular convoys accompanied by United Nations representatives were making deliveries. The reference to the recruitment of child soldiers had omitted the fact that the practice was engaged in not by the Government but by illegal terrorist groups. Sri Lanka was a party to the Convention on the Rights of the Child and its Optional Protocols, and had a zero-tolerance policy for the use of child soldiers. Work was ongoing with the United Nations Children's Fund to put an end to that phenomenon and rehabilitate victims.

The statement should have referred to the numerous Government measures to address those concerns.

86. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that the statement by France on behalf of the European Union was full of lies and distortions. If the European Union truly believed that no human rights violations should escape the scrutiny of the international community, then it should start with its own member countries and address the gross abuses of the rights of refugees, discrimination against immigrants and minorities, police brutality and trafficking in human beings which were rampant in that region. It should also mention the continued killing of civilians in Iraq and Afghanistan by its members and friends. But the European Union criticized human rights situations in small and weak countries in other regions while remaining silent on terrible situations in large, powerful countries in its own region.

87. While the European Union said it preferred open dialogue, it had cut off talks with his country after two years and pushed through a resolution on the Democratic People's Republic of Korea. The system in his country had been established by the people, who had enjoyed it for over 50 years. A country could not change overnight, and no one could insist on change in another country.

88. The malicious allegations on the human rights situation in his country demonstrated an ignorance of the situation. There were no such serious and systematic violations. The European Union was distorting and lying about the situation for its own sinister political purposes. The European Union was urged to implement a policy of equitable treatment of the human rights situations in other countries, without regard to political system, bilateral relationships or national interests. As for the comments made by New Zealand, they were preposterous, politically motivated and intended to impress and hoodwink the international community. They did not merit a response.

89. **Mr. Chernenko** (Russian Federation) said that the data on the numbers of refugees cited by the Georgian authorities were inflated, and were continually being revised upward. Those numbers contradicted information issued by respected international bodies such as the United Nations High Commissioner for Refugees, the Commissioner for Human Rights of the Council of Europe, USAID and others. As far as his country was concerned, the case was closed regarding the events of the previous August.

90. There would therefore be no comment on the absurd media reports appearing recently to the effect that a Georgian general had ordered an attack on Tskhinvali, the capital of South Ossetia, as civilians slept, without first securing the approval of the Georgian authorities. That contradicted statements by the Georgian authorities themselves, including statements made by President Saakashvili on live television during the conflict.

91. Georgian soldiers' brutality was well documented. Cell phone photographs taken by Georgian soldiers as they advanced on South Ossetian villages and the capital were available on the Internet, showing their methods, which were aimed specifically at wiping out civilians, and there was a well-known YouTube video which showed a Georgian soldier firing non-stop into homes while uttering a string of profanities.

92. The Tbilisi propaganda machine, sponsored from abroad by well-known individuals and organizations, aimed to "pull the wool" over the eyes of the international community and its own people in regard to Georgian violations of international humanitarian law and human rights within its borders. The Georgian leadership represented itself as a beacon of democracy and human rights. That was incompatible with information on human rights violations contained in reports by treaty bodies, the special procedures of the Human Rights Council, Amnesty International, Human Rights Watch and other organizations. The Government practised cruel repression, and law enforcement agencies used wiretapping, illegal detention and torture. Pro-Government thugs had repeatedly dispersed demonstrations by force.

93. Such circumstances had led to the establishment in 2006 of the Committee to Support Political Prisoners, whose stated purpose was to force the Georgian Government and international bodies to admit that there were political prisoners in the country and to get them released. Human Rights Watch had written an open letter to the President of the United States requesting him to draw the attention of the Georgian authorities to the importance of respecting human rights. Clearly, there were also mass violations of human rights in the correctional system and inmates were beaten cruelly. The fact that the age at which

defendants could be prosecuted as adults had been lowered to 12 years was a source of serious concern. Such facts showed the actual commitment of the Georgian authorities to international legal norms, based on their actions rather than their words.

94. **Ms. Shanidze** (Georgia) said that the Russian Federation groundlessly and, at times, shamelessly blamed Georgia for provoking the war and killing civilians. The authorities regularly referred to elusive organizations whose reports supposedly confirmed the positions of the Russian Government. She advised the Russian delegation to read the reports of Human Rights Watch and the Moscow-based organization Memorial, which indicated clearly when, how and by whom brutal, illegal acts had been committed against civilians in the conflict zone. The preceding intervention had been in line with Moscow's position of denying responsibility for events during the conflict.

The meeting rose at 6.15 p.m.